

Amendment No. 1 to HB0197

Keisling

Signature of Sponsor

AMEND Senate Bill No. 135*

House Bill No. 197

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-503(a)(7), is amended by adding the following new subdivision (C):

(i) If a person makes a request to view or copy a public record with the intent to disrupt government operations, the records custodian charged with fulfilling the request may petition a court of record of competent jurisdiction for an order to enjoin the person from making records requests.

(ii) A records custodian shall not petition a court for injunctive relief unless the records custodian has notified the person making the requests in writing stating the specific conduct that may constitute intent to disrupt government operations in violation of this subdivision (a)(7)(C) and the person has continued to engage in such conduct after the notification. The records custodian shall provide such notification after the fifth request by the person made with intent to disrupt government operations.

(iii) After a petition is filed and while the case is pending, the records custodian shall continue to comply with this part, but if the records custodian prevails, the person

making the requests shall reimburse the records custodian for the labor costs incurred by the records custodian in producing the records during the pendency of the case.

(iv) A court may, upon finding by clear and convincing evidence that a records request was made with intent to disrupt government operations, enjoin the person who made the request from making a public records request for a period of up to one (1) year; provided, that the person, while subject to the injunction, may petition the same court for permission to make a public records request and the court may approve the petition if the petitioner shows that the public records request is not made with intent to disrupt government operations.

(v) A records custodian who petitions a court for an injunction pursuant to this subdivision (a)(7)(C) shall provide a written report to the office of open records counsel that includes a copy of the petition and any injunction or orders issued by the court. The report must be filed no later than three (3) months after the petition is filed. If a final order has not been issued within three (3) months of the petition's filing, the records custodian shall provide the final order to the office of open records counsel as soon as reasonably possible after the final order is issued. The office of open records counsel shall include a summary of the reports received as part of the office's annual report required by § 8-4-603(b) and provide the summary to the advisory committee on open government.

(vi) This subdivision (a)(7)(C) is repealed July 1, 2025.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.